

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7697 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

HARGOVANDAS A PATEL

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner
MR SK PATEL for Respondent No.1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/10/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties,
I do not find any justification in the contention made by
the learned counsel for the respondent. Here, selection
grade has been given to the petitioner notionally. His
pay accordingly was revised in selection grade. After
revision of his pay in the selection grade, as he had
retired from the services, his pension and all retiral

benefits are to be accordingly revised which precisely has not been done by the respondents.

2. In the result, this Special Civil Application succeeds and the same is allowed. The action of the respondents not to revise the petitioner's pension and all retiral benefits on the basis of the selection grade etc. is wholly arbitrary and unjustified. The respondent No.1 is directed to revise the pension and all other retiral benefits of the petitioner accordingly and revised pension of the petitioner on the basis of the last pay drawn by him notionally in the selection grade within two months from the date of the receipt of the writ of this order. Arrears of revised pension and all retiral benefits be paid to the petitioner within one month next. The petitioner shall be entitled for the interest at the rate of 12% on the all amounts which are found payable to him. The respondent No.1 is further directed to pay Rs.2000/- as costs of this petition to the petitioner. Rule is made absolute in the terms aforesaid.

(S.K.Keshote,J.)
(pathan)